

Motor Co. 9 USPQ2d 1913, 1920 (Fed.Cir. 1989). Careful review of Ratzlaff reveals that, while being a cover, in that it is a protective layer of shock absorbing material, it can hardly be said to be decorative (as the claim is now amended) nor can it be described as being constructed of a fabric. It is described as a mat of open weave construction. A further element of Applicant's independent
5 claims 1 and 5 are that the pressure sensitive adhesive adhered to the strip be selectively adhered to the fabric. The cover of Ratzlaff is described as a protective covering for pipe to be laid in a trench and thus, not selectively adhered as for selective removal.

In respect of the rejections under 35 U.S.C. 103(a), it is recognized that one cannot show non-obviousness by attacking references individually where the rejection is based on a combination of
10 references, *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co., Inc.*, the teachings in the individual references must, nevertheless, be considered when analyzing whether one of ordinary skill in the art would have considered combining such teachings and whether the hypothetical structure that would have resulted from the combined teachings would have included all of the claimed features. for these reasons, the individual references applied in the rejections are first
15 discussed separately below to allow for a complete understanding of what the references would have suggested to one of ordinary skill in the art and to establish a basis for Applicant's position that one of ordinary skill in the art would not have considered combining the reference teachings in the manner contemplated by the Examiner.

Patent 5,099,889 to Ratzlaff discloses an external pipe protector for protecting pipe which is
20 laid underground. The protector includes a flexible (so that it may be wrapped around the rigid pipe) of shock absorbing material. The material is of open weave to enable a charged electrical rod to penetrate the open weave for crack and rust deposit testing of the steel pipe.

Patent 5,869,159 to Padilla is directed to a method and a kit for cushioning and covering such as a lally column of the type supporting joists in buildings. Lally columns are usually cylindrical
25 steel poles, having a height of 7 to 8 feet and diameters of 2 to 12 inches. The kit is composed of a pair of "wraps", the first being something in the nature of "bubble wrap" and the second wrap is preferably a polyvinyl chloride sheet. there is no suggestion in the disclosure of selective removal of the covering.

Petock (3,884,495) is directed to a child's walker, i.e., a retaining seat or wheels that may be used by a child as when learning to walk and moving the walker around ones house. It is common for such vehicles to be operated indiscriminately by the child, at least with respect to furniture, walls and other household articles. The disclosure is of a walker having a resilient material wrapped
5 around the tubular legs or support members which support the seat of the walker on wheels or casters. The resilient material is suggested to be attached in a number of ways as by being formed in a tubular shape and slid over the legs, or permanently installed as by being adhesively applied directly to the legs. The preferred embodiment illustrated is provided with straps and snaps to wrap around the material and hold it on.

10 Simmons(5,964,252) relates to a closure system, either temporary or permanent for pipe insulation sleeves. The insulation wrap is fitted with a closure wrap along one longitudinal edge and has applied thereto a strip of adhesive. The wrap includes a non-stick strip over the adhesive layer, having intermittent holes or openings through which the adhesive is accessible, such that for a temporary installation, the closure wrap may be removeably attached to the insulation. For
15 permanent installation, the non-stick layer is removed to expose the full adhesive to the insulation.

Tomberlin (4,939,778) is directed to a protective telephone cord cover to prevent the cord from becoming entangled. In an alternative embodiment, the cover is shown as having hook and loop material sewn along the edges for enabling the installation of the cover around a cord of an older telephone which has its ends fixed to the base and handset. In both fixed and removable
20 applications, the cover is held in place at the ends by string ties.

Applicant respectfully traverses the rejections under 35 U.S.C. 103(a). Applicant submits that a *prima facie* case of obviousness has not been established because Padilla and Ratzlaff are non-analogous art, and the prior art does not provide the requisite motivation for modifying the pipe covers to suggest the modifications contemplated. See MPEP 2141.01 (a). To be analogous prior
25 art, a reference must either be within n the inventor's field of endeavor or be in an art reasonable pertinent to the particular problem to be solved by the inventor. As set forth in *In re Antle*, 170 USPQ 285 (CCPA 1971), the CCPA stated the following" The very point in issue is whether one of ordinary skill in the art would have *selected*, without the advantage of hindsight and knowledge of

the applicant's disclosure, the particular references which the examiner has applied. *Id.* at 287 [Emphasis in original].

It is Applicant's contention that without the advantage of hindsight and knowledge of her disclosure, one of ordinary skill in the art would not have selected the references chosen by the Examiner. Applicant's further amendment of the claims clarify the distinction between the field of the invention and those of the references cited by the Examiner.

Applicant has amended Claims as indicated in the scanable copy of the claims below, and acknowledges the withdrawal of claims 11 through 19 without traverse.

Applicant encloses below a clean set of all pending claims which incorporate the amendments made in this Amendment.

In the Claims

1. (Currently amended) A decorative cord cover device for use in enveloping a linear object such as a cord, chandelier chain or pipe, comprising:

a lengthwise strip of fabric, said lengthwise strip of supple fabric having a first widthwise edge, a second widthwise edge, a first lengthwise edge, a second lengthwise edge, an interior side and an exterior side,

a strip of pressure sensitive adhesive transfer tape, said pressure sensitive adhesive transfer tape having a base side and a fastening side, said base side of said pressure sensitive adhesive adhered to said interior side of said strip of fabric substantially along said first lengthwise edge,

a liner, said liner covering said fastening side of said pressure sensitive adhesive transfer tape to thereby assist in preserving adhesive properties of said pressure sensitive adhesive transfer tape, said liner selectively removable from said fastening side of said transfer tape to

thereby allow said fastening side of said transfer tape to be selectively adhered to said exterior side of said strip of fabric to thereby form a tubular configuration for enveloping the linear object, said tubular configuration having a first open end formed along said first widthwise edge and a second open end formed along said second widthwise edge.

5 2. (Original) The device of claim 1, wherein said pressure sensitive adhesive transfer tape is reusable for a limited number of times, such that said cord cover can be opened and reused.

 3. (Original) The device of claim 1, wherein said pressure sensitive adhesive transfer tape is discontinuous.

10 4. (Original) The device of claim 1, further comprising a first elastic strip hemmed along said first lengthwise edge of said strip of fabric, and a second elastic strip hemmed along said second lengthwise edge of said strip of fabric, said first and second elastic strips together providing said strip of fabric with a gathered configuration.

 5. (Currently amended) A decorative cord cover device for use in enveloping a
15 linear object such as a cord, chandelier chain or pipe, comprising:

 a lengthwise strip of supple fabric, said lengthwise strip of fabric having a first widthwise edge, a second widthwise edge, a first lengthwise edge, a second lengthwise edge, an interior side and an exterior side,

 a pressure sensitive adhesive having a base side and a fastening side, said base side of
20 said pressure sensitive adhesive adhered to said strip of fabric, said pressure sensitive adhesive positioned and configured to allow said fastening side of said pressure sensitive adhesive to be selectively adhered to said lengthwise strip of fabric to thereby form a tubular configuration for

enveloping the linear object, said tubular configuration having a first open end formed along said first widthwise edge and a second open end 13 formed along said second widthwise edge.

6. (Original) The device of claim 5, wherein said pressure sensitive adhesive is a transfer tape.

5 7. (Original) The device of claim 6, wherein said transfer tape has a removable liner on said fastening side to thereby assist in preserving adhesive properties of said pressure sensitive adhesive.

8. (Original) The device of claim 1, wherein said pressure sensitive adhesive is reusable for a limited number of times, such that said cord cover can be opened and reused.

10 9. (Original) The device of claim 1, wherein said pressure sensitive adhesive is discontinuous.

10. (Original) The device of claim 1, further comprising a first elastic strip hemmed along said first lengthwise edge of said strip of fabric, and a second elastic strip hemmed along said second lengthwise edge of said strip of fabric, said first and second elastic strips together
15 providing said strip of fabric with a gathered configuration.

11. (Withdrawn) A method of enveloping a linear object such as a cord, chandelier chain or pipe, comprising:

providing a lengthwise strip of fabric, said lengthwise strip of fabric having a first widthwise edge, a second widthwise edge, a first lengthwise edge, a second lengthwise edge, an
20 interior side, an exterior side, and a pressure sensitive adhesive adhered to said strip of fabric along said first lengthwise edge,

placing said interior side of said strip of fabric along a linear object,

wrapping said strip of fabric around said linear object,
bringing said pressure sensitive adhesive into contact with said strip of fabric, and
applying pressure to said fabric to thereby attach said strip of fabric to said adhesive to
thereby form a tubular configuration around the linear object, said tubular configuration having a
5 first open end formed along said first widthwise edge and a second open end formed along said
second widthwise edge.

12. (Withdrawn) The method of claim 11, wherein said pressure sensitive adhesive is a
transfer tape.

13. (Withdrawn) The method of claim 12, wherein said transfer tape has a
10 removable liner on said fastening side to thereby assist in preserving adhesive properties of said
pressure sensitive adhesive.

14. (Withdrawn) The method of claim 11, wherein said pressure sensitive adhesive
is discontinuous.

15. (Withdrawn) The method of claim 11, wherein said pressure sensitive adhesive
15 is reusable for a limited number of times, such that said cord cover can be opened and reused.

16. (Withdrawn) The method of claim 15, further comprising reusing said strip of
fabric by detaching said second lengthwise edge of said strip of fabric from said pressure
sensitive adhesive, removing said strip of fabric from the linear object, placing said interior side
of said strip of fabric along a second cord,

20 bringing said second lengthwise edge of said strip of fabric into contact with said pressure
sensitive adhesive, and

applying pressure to said fabric to thereby attach said second lengthwise edge of said strip

of fabric to said adhesive to thereby form a tubular configuration around the second cord, said tubular configuration having a first open end formed along said first widthwise edge and a second open end formed along said second widthwise edge.

17. (Withdrawn) The method of claim 11, further comprising a first elastic strip
5 hemmed along said first lengthwise edge of said strip of fabric, and a second elastic strip hemmed along said second lengthwise edge of said strip of fabric, said first and second elastic strips together providing said strip of fabric with a gathered configuration.

18. (Withdrawn) The method of claim 11, further comprising replacing said pressure sensitive adhesive when said pressure sensitive adhesive becomes fatigued.

10 19. (Withdrawn) The method of claim 11, further comprising attaching said pressure sensitive adhesive to said strip of fabric such that said tubular configuration has varying inner diameters along said lengthwise strip of fabric.